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10/668,105	09/22/2003	Mikko K. Virta	944-003.187	7632
4955 7590 02/14/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER CARDENAS NAVIA, JAIME F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,105

Applicant(s)

VIRTA, MIKKO K.

Examiner

JAIME F. CARDENAS NAVIA

Art Unit

4182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **NON-FINAL** office action is in response to applicant's submission filed on September 22, 2003. Currently, claims 1-26 are pending.

Drawings

2. **The drawings are objected to** because in Figure 1, there are two minor informalities. The line going from box 115 back to 105 labeled “Yes” should have an arrow added to it to make clear the direction of the process. Also, there is a “No” label in box 120 that needs to be moved to its correct location.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: None of the reference characters from Figure 1(a) are mentioned in the specification. Examiner believe Figure 1(a) needs to be removed from the Drawings.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. **It is important that the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: Figure 1(a) is not mentioned in the Brief Description of Drawings section.

Appropriate correction is required.

Claim Objections

7. **Claim 17 is objected to** under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This claim attempts to convert a method claim into an apparatus claim, which is improper.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1-17 and 23-26 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear where the personal time is being recorded and where the interval of time is being stored.

Regarding claim 2, it is unclear who or what is receiving the electronic inquiry.

Regarding claim 15, a further reservation will not necessarily cause a contraction of the booking interval, as is has not been specified that the booking and the scheduled personal time and its interval overlap.

Regarding claim 17, it is unclear whether applicant is trying to claim a method or an apparatus, and whether the claim is independent or dependent.

Regarding claim 23, when describing the inquiring terminal, "a booking" should be changed to "the booking" to make clear that it is the same booking used throughout the claim.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The claimed invention as a whole does not accomplish a practical application. The steps of recording and storing may be interpreted as involving no more than a manipulation of an abstract idea. If the method is performed manually, then the claimed invention lacks concreteness as well as usefulness and tangibility. To qualify as accomplishing a practical application, an invention must produce a “useful, concrete, and tangible result.” See *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-26 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Dean et al. (US 6,167,379) in view of Barto et al. (US 7,069,097 B1).

Regarding claim 1, Dean teaches:

recording at least one amount of the personal time (col. 2, lines 16-19).

Dean does not teach:

storing at least one respective interval of time during which the at least one amount of the personal time is reserved,

wherein each of the at least one amount of the personal time is less than the respective interval of time.

Barto teaches:

storing at least one respective interval of time during which the at least one amount of the personal time is reserved (col. 9, lines 25-37, kernel is the personal time, working window is the interval of time),

wherein each of the at least one amount of the personal time is less than the respective interval of time (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined

the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 2, Dean teaches:

receiving an electronic inquiry about the user's availability for a booking (col. 2, lines 6-11);

determining or indicating whether the at least one amount of personal time can fit within the at least one respective interval in order to accommodate the booking without causing a scheduling conflict (col. 2, lines 11-15).

Regarding claim 3, Dean teaches the step of providing the user with an option whether or not to accept the booking, in case of a positive determination or indication that the personal time can fit (col. 2, lines 11-15, col. 4, lines 44-56, col. 6, lines 12-24).

Regarding claim 4, Dean teaches the step of automatically making the booking, in case of a positive determination or indication that the personal time can fit (col. 6, lines 25-31).

Regarding claim 5, Dean teaches the step of sending a user availability message in response to the electronic inquiry, in case of a positive determination or indication that the personal time can fit (col. 2, lines 16-19).

Regarding claim 6, Dean teaches the step providing the user with a conflict notification and an option whether or not to accept the booking, in case of a negative determination or indication that the personal time cannot fit (col. 4, lines 44-56, col. 6, lines 26-41).

Regarding claim 7, Dean does not teach wherein the at least one respective interval of time represents the user's midday, workday, work week, or any user definable period.

Barto teaches wherein the at least one respective interval of time represents the user's midday, workday, work week, or any user definable period (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 8, Dean does not teach wherein the at least one amount of the personal time is given as a percentage of the respective interval of time.

Official notice is given that using percentage is an equivalent form to using hours and minutes.

Regarding claim 9, Dean teaches wherein the at least one amount of the personal time is given as a particular continuous or non-continuous duration (col. 2, lines 6-15, it is inherent that the personal time is given as a particular continuous or non-continuous duration).

Regarding claim 10, Dean teaches the step of reserving at least one fixed block of the personal time (col. 2, lines 6-15).

Regarding claim 11, Dean teaches the steps of comparing a booking type to a type of the personal time, and if consistent then the scheduling conflict will not occur (col. 2, lines 6-15).

Regarding claim 12, Dean does not teach wherein the electronic inquiry indicates at least one amount of booking time, and at least one respective booking interval that is greater than or equal to the booking time.

Barto teaches wherein the electronic inquiry indicates at least one amount of booking time, and at least one respective booking interval that is greater than or equal to the booking time (col. 9, lines 6-8, 25-37).

The inventions of Deant and Barto pertain to scheduling. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 13, Dean does not teach wherein the user availability message includes a question as to whether the availability should be confirmed by consulting the user.

However, Dean teaches both that the availability can be confirmed automatically, and that the availability can be confirmed by consulting the user (col. 6, lines 12-15).

Common sense teaches wherein the user availability message includes a question as to whether the availability should be confirmed by consulting the user.

It would have been obvious to one skilled in the art at the time of the invention to combine the teaching of Dean with common sense, motivated by the teaching in Dean that for some situations, such as when the booking seeking to be scheduled is at a location distant from where the user is before the booking time, it is greatly advantageous for the user to confirm availability (col. 6, lines 12-40). The advantage of avoiding conflicts a computer cannot predict is why it would have been obvious to ask the party seeking a booking whether or not the availability should be confirmed by consulting the user.

Regarding claim 14, Dean does not teach wherein there is a positive determination or indication that the personal time can fit, and the booking is made by booking both the booking time as well as the respective booking interval which is greater than the booking time.

Barto teaches wherein there is a positive determination or indication that the personal time can fit, and the booking is made by booking both the booking time as well as the respective booking interval which is greater than the booking time (col. 9, lines 6-8, 25-41, 45-47).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to

combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 15, Dean does not teach wherein a further reservation effectively causes a contraction of the booking interval.

Barto teaches wherein a further reservation effectively causes a contraction of the booking interval (col. 9, lines 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 16, Dean does not teach the step of displaying the amount of the personal time and the respective interval of time on a shared or individual calendar.

Barto teaches the step of displaying the amount of the personal time and the respective interval of time on a shared or individual calendar (col. 9, lines 58-62, it is inherent that the calendar would display itself).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto

does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 17, Dean and Barto teach the method of claim 1 (see above regarding claim 1), and it is inherent that the method carried out by portable electronic organizers (Dean, col. 1, lines 14-16) is stored on a computer-readable medium.

Regarding claim 18, Dean teaches:

a personal time recorder, responsive to a personal time signal from the user, for recording at least one amount of the personal time (col. 2, lines 16-19).

Dean does not teach:

an interval storage unit, responsive to an interval signal from the user, for storing at least one respective interval of time during which the at least one amount of personal time is reserved; and

a user calendar database, for integrating data from the personal time recorder and the interval storage unit into the electronic schedule.

Barto teaches:

an interval storage unit, responsive to an interval signal from the user, for storing at least one respective interval of time during which the at least one amount of personal time is reserved (col. 9, lines 25-37); and

a user calendar database, for integrating data from the personal time recorder and the interval storage unit into the electronic schedule (Abstract, line 1, col. 9, lines 58-62).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 19, Dean teaches notifying the user if a proposed calendar update causes any conflict with schedule information already integrated into the user calendar database (col. 2, lines 6-15).

Dean does not teach an error check unit for notifying the user if the amount of the personal time is more than the respective interval, or if the personal time and the respective interval cause any conflict with scheduling information already integrated into the user calendar database.

Barto teaches an error check unit for notifying the user if the personal time and the respective interval cause any conflict with scheduling information already integrated into the user calendar database (col. 9, lines 45-62).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined

the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 20, Dean teaches wherein the device is a mobile or fixed terminal that interacts directly with the user (col. 1, lines 8-11, col. 2, lines 21-25).

Regarding claim 21, Dean teaches wherein the device is a server located remotely from a user terminal (col. 2, lines 21-25, col. 6, lines 49-57).

Regarding claim 22, Dean teaches an inquiry processing unit, responsive to an inquiry signal, for accessing the user calendar database in order for the device to provide an availability indicator signal indicative of whether the at least one amount of personal time can fit within the at least one respective interval so as to accommodate a booking without any scheduling conflict (col. 2, lines 11-15).

Regarding claim 23, Dean teaches:

a user scheduling device, responsive to the personal time and interval signal, for providing a booking availability signal indicative of whether the at least one amount of personal time can be situated so that a booking fits into the electronic schedule (col. 2, lines 11-15); and

an inquiring terminal, responsive to the booking availability signal, for indicating to an operator of the inquiring terminal whether the at least one amount of personal time can be situated within the interval so that a booking fits into the electronic schedule (col. 4, lines 63-67).

Dean does not teach:

a user terminal, responsive to user input, for providing a personal time and interval signal indicative of at least one amount of personal time and a respective interval of time during which the at least one amount of personal time is reserved.

Barto teaches:

a user terminal, responsive to user input, for providing a personal time and interval signal indicative of at least one amount of personal time and a respective interval of time during which the at least one amount of personal time is reserved (col. 9, lines 6-8, 25-37).

The inventions of Dean and Barto pertain to scheduling and dealing with conflicts. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Barto does not teach away from or contradict Dean, but rather, teaches a function that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of fewer scheduling conflicts when using dynamic scheduling.

Regarding claim 24, Dean teaches wherein the user scheduling device also is for performing at least some scheduling for the operator of the inquiring terminal (col. 2, lines 6-11).

Regarding claim 25, Dean teaches wherein the user scheduling device produces a superposition of calendars corresponding to the user of the user terminal and the operator of the inquiring terminal (col. 2, lines 6-11).

Regarding claim 26, Dean teaches wherein the user scheduling device is located in or with the user terminal (col. 2, lines 42-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME F. CARDENAS NAVIA whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 7:30AM - 5:00PM EST, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 4, 2008

/JAIME CARDENAS-NAVIA/
Examiner, Art Unit 4182

/Thu Nguyen/
Supervisory Patent Examiner, Art Unit 4182